

Message

From: Deane Osterman [dosterman@kalispeltribe.com]
Sent: 9/24/2018 8:19:12 PM
To: Bray, Dave [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3581998cbde488fa426f7a5227cb914-Bray, Dave]
CC: Ken Merrill [kmerrill@kalispeltribe.com]
Subject: Re: Kalispel Class I Designation
Attachments: ATT00001.txt

Great news. Thanks Dave.

Sent from my iPhone

On Sep 24, 2018, at 12:53, Bray, Dave <Bray.Dave@epa.gov> wrote:

Hi Ken and Deane,

Just a quick note to let you know that we finally got the green light from Bill Wehrum to move forward on your Class I redesignation request.

We will finish up the Federal Register proposal and hope to have it signed by our Regional Administrator in a week or two at most.

Dave

From: Ken Merrill [<mailto:kmerrill@kalispeltribe.com>]
Sent: Wednesday, July 25, 2018 2:47 PM
To: Bray, Dave <Bray.Dave@epa.gov>
Subject: RE: Kalispel Class I Designation

Hi Dave- Has Deane gotten back to you? If not, can we talk now while I have phone coverage.
Thanks --Ken

-----Original Message-----

From: Bray, Dave [Bray.Dave@epa.gov]
Received: Wednesday, 25 Jul 2018, 12:22PM
To: Ken Merrill [kmerrill@kalispeltribe.com]
CC: Deane Osterman [dosterman@kalispeltribe.com]
Subject: RE: Kalispel Class I Designation

Hi Ken and Deane,

Would one or both of you be available today for a quick update of where things are on your request for the PSD Class I redesignation?

Dave

From: Ken Merrill [<mailto:kmerrill@kalispeltribe.com>]
Sent: Thursday, February 08, 2018 10:19 AM
To: Bray, Dave <Bray.Dave@epa.gov>
Subject: RE: Kalispel Class I Designation

Thanks Dave. I couldn't get a name. --Ken

Ken Merrill
Water Resources Program
(509) 447-7276 (office)

Ex. 6 (cell)

From: Bray, Dave [<mailto:Bray.Dave@epa.gov>]
Sent: Thursday, February 08, 2018 10:18 AM
To: Ken Merrill
Cc: Zach Welcker
Subject: RE: Kalispel Class I Designation

Hi Ken,

I'm concerned and somewhat surprised as well but for a different reason. Your request doesn't go to EPA headquarters because Region 10 has been delegated authority to approve these. Region 10 is the only Region that has such a delegation (because of the FARR) and the HQ Tribal folks should know that. We've followed the procedures in that delegation and our new Regional Administrator met with the new Assistant Administrator for Air (Bill Wehrum) last week to fulfill our obligation to consult with the AA.

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I will touch base with the HQ tribal folks to make sure they understand where we are in the process. I wonder who the "EPA representative" was.

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David C. Bray
Associate Director for Air
Office of Air and Waste
EPA Region 10
Seattle, WA
(206) 553-4253

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Thanks --Ken

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Manager - Water Resources ProgramH
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Ex. 6

(cell)

<image001.jpg>

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CC: McAlpine, Jerrold [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e32164d5b4f448af91aea4a9e872ef54-McAlpine, J]
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Ex. 6 (cell)



Message

From: Ken Merrill [kmerrill@kalispeltribe.com]
Sent: 11/20/2018 7:14:01 PM
To: Brozusky, Sandra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51c33feb207a48678baafe3eeaa2caa4-Brozusky, Sandra]; Bray, Dave [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3581998cbde488fa426f7a5227cb914-Bray, Dave]
CC: Deane Osterman [dosterman@kalispeltribe.com]
Subject: RE: Invite to visit the Kalispel

Hi David -We will plan on something informal for later in the afternoon of the 6th. --Ken

-----Original Message-----

From: Bray, Dave [Bray.Dave@epa.gov]
Received: Tuesday, 20 Nov 2018, 9:36AM
To: Ken Merrill [kmerrill@kalispeltribe.com]; Brozusky, Sandra [Brozusky.Sandra@epa.gov]
Subject: RE: Invite to visit the Kalispel

Hi Ken,

We're not arriving at the Spokane airport until around 12:30 and then need to pick up the rental car, drive to Newport, and pick up the keys to the meeting space so I don't think lunch is likely. We're going to be on a pretty tight schedule to get dinner and be at the meeting space before the 6:00pm hearing but we should be able to fit in a short visit.

We'll know more about our schedule next week.

Dave

From: Ken Merrill <kmerrill@kalispeltribe.com>
Sent: Monday, November 19, 2018 6:44 PM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>
Subject: RE: Invite to visit the Kalispel

What time might you arrive? In time to have lunch with us I hope. --Ken

-----Original Message-----

From: Brozusky, Sandra [Brozusky.Sandra@epa.gov]
Received: Monday, 19 Nov 2018, 5:19PM
To: Bray, Dave [Bray.Dave@epa.gov]; Ken Merrill [kmerrill@kalispeltribe.com]
Subject: RE: Invite to visit the Kalispel

That would be great. It looks to be about 30 mins from Newport.

Sandra

From: Bray, Dave
Sent: Monday, November 19, 2018 2:56 PM
To: Ken Merrill <kmerrill@kalispeltribe.com>; Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Subject: RE: Invite to visit the Kalispel

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How long does it take to drive from Newport to the Tribal headquarters?

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From: Ken Merrill <kmerrill@kalispeltribe.com>
Sent: Monday, November 19, 2018 2:38 PM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Cc: Bray, Dave <Bray.Dave@epa.gov>
Subject: Invite to visit the Kalispel

Hi Sandra- We thought it might be good if EPA folks could come to meet with us when you are over here for the Public Hearing and see what the Kalispel home looks like. Hopefully there is a chance you could fit it into your schedule? --Ken

Kenneth R. Merrill
Manager - Water Resources Program
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PO Box 39, Usk, WA, 99180
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Ex. 6

(cell)



Message

From: Ken Merrill [kmerrill@kalispeltribe.com]
Sent: 11/20/2018 2:44:02 AM
To: Brozusky, Sandra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51c33feb207a48678baafe3eeaa2caa4-Brozusky, Sandra]; Bray, Dave [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3581998cbde488fa426f7a5227cb914-Bray, Dave]
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Sent: 11/20/2018 1:19:44 AM
To: Bray, Dave [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3581998cbde488fa426f7a5227cb914-Bray, Dave]; Ken Merrill [kmerrill@kalispeltribe.com]
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Sent: 7/25/2018 9:46:47 PM
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Attachments: ATT00001.txt

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Thanks for the update. --Ken

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From: Bray, Dave <Bray.Dave@epa.gov>
Sent: Monday, September 24, 2018 3:29 PM
To: McAlpine, Jerrold <McAlpine.Jay@epa.gov>; Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Kalispel Class I Designation

Thanks Jay.

Dave

From: McAlpine, Jerrold
Sent: Monday, September 24, 2018 3:15 PM
To: Bray, Dave <Bray.Dave@epa.gov>; Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Kalispel Class I Designation

Dave and Ken,

We need to have one more internal discussion this week, perhaps with ORC, to discuss the issue regarding wording in Appendix W regarding the requirements for using prognostic data. It would be best to talk with the Kalispel Tribe after our internal discussion and feedback from ORC.

Also, FYI: Ecology is planning a conference call to discuss the updated modeling protocol and related issues but have not released a date/time or invitation yet. This call will include all the parties and OAQPS is also planning to be on the call.

Jay

Jay McAlpine, PhD
Atmospheric Scientist, Regional Modeling Contact
Office of Air and Waste
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155, OAW-150

Seattle, WA 98101
206.553.0094
McAlpine.Jay@epa.gov

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I defer to Jay as to when we will be ready to do an update on the met issue.

I'll check in with him to see where we are on it.

Dave

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Ken Merrill
Water Resources Program

(509) 447-7276 (office)

Ex. 6

(cell)

From: Bray, Dave [<mailto:Bray.Dave@epa.gov>]

Sent: Thursday, February 08, 2018 10:18 AM

To: Ken Merrill

Cc: Zach Welcker

Subject: RE: Kalispel Class I Designation

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Seattle, WA

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Sent: 9/24/2018 10:28:42 PM
To: McAlpine, Jerrold [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e32164d5b4f448af91aea4a9e872ef54-McAlpine, J]; Ken Merrill [kmerrill@kalispeltribe.com]
Subject: RE: Kalispel Class I Designation

Thanks Jay.

Dave

From: McAlpine, Jerrold
Sent: Monday, September 24, 2018 3:15 PM
To: Bray, Dave <Bray.Dave@epa.gov>; Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Kalispel Class I Designation

Dave and Ken,

We need to have one more internal discussion this week, perhaps with ORC, to discuss the issue regarding wording in Appendix W regarding the requirements for using prognostic data. It would be best to talk with the Kalispel Tribe after our internal discussion and feedback from ORC.

Also, FYI: Ecology is planning a conference call to discuss the updated modeling protocol and related issues but have not released a date/time or invitation yet. This call will include all the parties and OAQPS is also planning to be on the call.

Jay

Jay McAlpine, PhD
Atmospheric Scientist, Regional Modeling Contact
Office of Air and Waste
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155, OAW-150
Seattle, WA 98101
206.553.0094
McAlpine.Jay@epa.gov

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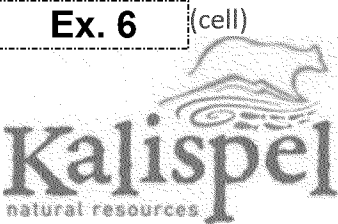
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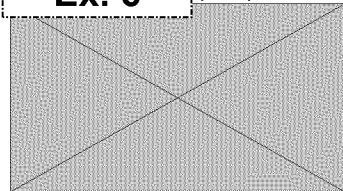
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To: Ken Merrill[kmerrill@kalispeltribe.com]
From: Bray, Dave
Sent: Wed 7/25/2018 10:02:40 PM
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Shall I call you on your cellphone?

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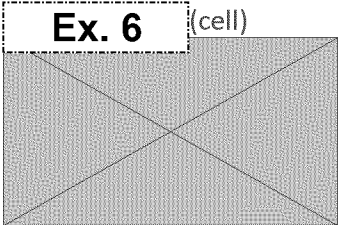
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Sent: Monday, September 24, 2018 1:09 PM
To: Bray, Dave <Bray.Dave@epa.gov>
Cc: McAlpine, Jerrold <McAlpine.Jay@epa.gov>
Subject: RE: Kalispel Class I Designation

That's good news. We would also like to get an update about the on-site meteorological monitoring issue for PacWest when you and Jay have time.

Thanks David --Ken

Ken Merrill
Water Resources Program
(509) 447-7276 (office)

Ex. 6

(cell)



From: Bray, Dave <Bray.Dave@epa.gov>
Sent: Monday, September 24, 2018 12:53 PM
To: Ken Merrill <kmerrill@kalispeltribe.com>; Deane Osterman <dosterman@kalispeltribe.com>
Subject: RE: Kalispel Class I Designation

Hi Ken and Deane,

Just a quick note to let you know that we finally got the green light from Bill Wehrum to move forward on your Class I redesignation request.

We will finish up the Federal Register proposal and hope to have it signed by our Regional Administrator in a week or two at most.

Dave

From: Ken Merrill [mailto:kmerrill@kalispeltribe.com]
Sent: Wednesday, July 25, 2018 2:47 PM
To: Bray, Dave <Bray.Dave@epa.gov>
Subject: RE: Kalispel Class I Designation

Hi Dave- Has Deane gotten back to you? If not, can we talk now while I have phone coverage.
Thanks --Ken

-----Original Message-----

From: Bray, Dave [Bray.Dave@epa.gov]
Received: Wednesday, 25 Jul 2018, 12:22PM
To: Ken Merrill [kmerrill@kalispeltribe.com]

ED_002139A_00000847-00001

CC: Deane Osterman [dosterman@kalispeltribe.com]

Subject: RE: Kalispel Class I Designation

Hi Ken and Deane,

Would one or both of you be available today for a quick update of where things are on your request for the PSD Class I redesignation?

Dave

From: Ken Merrill [mailto:kmerrill@kalispeltribe.com]

Sent: Thursday, February 08, 2018 10:19 AM

To: Bray, Dave <Bray.Dave@epa.gov>

Subject: RE: Kalispel Class I Designation

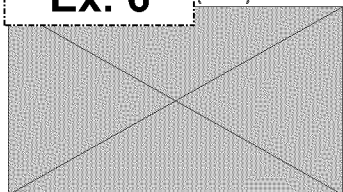
Thanks Dave. I couldn't get a name. --Ken

Ken Merrill

Water Resources Program

(509) 447-7276 (office)

Ex. 6 (cell)



From: Bray, Dave [mailto:Bray.Dave@epa.gov]

Sent: Thursday, February 08, 2018 10:18 AM

To: Ken Merrill

Cc: Zach Welcker

Subject: RE: Kalispel Class I Designation

Hi Ken,

I'm concerned and somewhat surprised as well but for a different reason. Your request doesn't go to EPA headquarters because Region 10 has been delegated authority to approve these. Region 10 is the only Region that has such a delegation (because of the FARR) and the HQ Tribal folks should know that. We've followed the procedures in that delegation and our new Regional Administrator met with the new Assistant Administrator for Air (Bill Wehrum) last week to fulfill our obligation to consult with the AA.

The Federal Register proposing approval is ready to go and we're working on getting a space in Newport for our public hearing. At this time, we're just waiting for the green light from Bill Wehrum to move forward with the proposal.

I will touch base with the HQ tribal folks to make sure they understand where we are in the process. I wonder who the "EPA representative" was.

Dave

David C. Bray

Associate Director for Air

Office of Air and Waste

EPA Region 10

Seattle, WA

(206) 553-4253

From: Ken Merrill [mailto:kmerrill@kalispeltribe.com]

Sent: Thursday, February 08, 2018 9:53 AM

ED_002139A_00000847-00002

To: Bray, Dave <Bray.Dave@epa.gov>
Cc: Zach Welcker <ZWelcker@kalispeltribe.com>
Subject: Kalispel Class I Designation

Hi David,
According to Kevin Greenleaf at the Kootenai Tribe, during an NTAA Listening Session for EPA TAC's and Headquarters Indian Coordinators an EPA representative told the group that they have not had the formal request from the Tribe to R-10 sent to them yet.

I was somewhat concerned but not surprised when I heard that, and I was wondering if there any problems with the progress toward our redesignation approval.
Thanks --Ken

Kenneth R. Merrill
Manager - Water Resources ProgramH
Kalispel Tribe Natural Resources
PO Box 39, Usk, WA, 99180
(509) 447-7276 (office)

Ex. 6 (cell)



To: Ken Merrill[kmerrill@kalispeltribe.com]; Deane Osterman[dosterman@kalispeltribe.com]
From: Bray, Dave
Sent: Mon 9/24/2018 7:52:41 PM
Subject: RE: Kalispel Class I Designation

Hi Ken and Deane,

Just a quick note to let you know that we finally got the green light from Bill Wehrum to move forward on your Class I redesignation request.

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Dave

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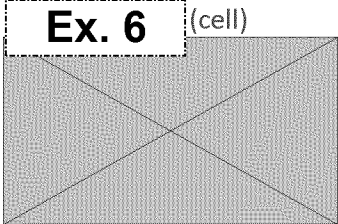
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Water Resources Program
(509) 447-7276 (office)



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David C. Bray

Associate Director for Air
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EPA Region 10
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Thanks --Ken

Kenneth R. Merrill
Manager - Water Resources ProgramH
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PO Box 39, Usk, WA, 99180
(509) 447-7276 (office)

Ex. 6

cell)



To: Ken Merrill[kmerrill@kalispeltribe.com]; Brozusky, Sandra[Brozusky.Sandra@epa.gov]
From: Bray, Dave
Sent: Tue 11/20/2018 5:34:22 PM
Subject: RE: Invite to visit the Kalispel

Hi Ken,

We're not arriving at the Spokane airport until around 12:30 and then need to pick up the rental car, drive to Newport, and pick up the keys to the meeting space so I don't think lunch is likely. We're going to be on a pretty tight schedule to get dinner and be at the meeting space before the 6:00pm hearing but we should be able to fit in a short visit.

We'll know more about our schedule next week.

Dave

From: Ken Merrill <kmerrill@kalispeltribe.com>
Sent: Monday, November 19, 2018 6:44 PM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>
Subject: RE: Invite to visit the Kalispel

What time might you arrive? In time to have lunch with us I hope. --Ken

-----Original Message-----

From: Brozusky, Sandra [Brozusky.Sandra@epa.gov]
Received: Monday, 19 Nov 2018, 5:19PM
To: Bray, Dave [Bray.Dave@epa.gov]; Ken Merrill [kmerrill@kalispeltribe.com]
Subject: RE: Invite to visit the Kalispel

That would be great. It looks to be about 30 mins from Newport.

Sandra

From: Bray, Dave
Sent: Monday, November 19, 2018 2:56 PM
To: Ken Merrill <kmerrill@kalispeltribe.com>; Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Subject: RE: Invite to visit the Kalispel

That would be great if we can fit it in.

How long does it take to drive from Newport to the Tribal headquarters?

Dave

From: Ken Merrill <kmerrill@kalispeltribe.com>
Sent: Monday, November 19, 2018 2:38 PM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Cc: Bray, Dave <Bray.Dave@epa.gov>
Subject: Invite to visit the Kalispel

Hi Sandra- We thought it might be good if EPA folks could come to meet with us when you are over here for the Public Hearing and see what the Kalispel home looks like. Hopefully there is a chance you could fit it into your schedule? --Ken

Kenneth R. Merrill
Manager - Water Resources Program
Kalispel Tribe Natural Resources
PO Box 39, Usk, WA, 99180
(509) 447-7276 (office)

Ex. 6 (cell)



To: Ken Merrill[kmerrill@kalispeltribe.com]; Brozusky, Sandra[Brozusky.Sandra@epa.gov]
From: Bray, Dave
Sent: Mon 11/19/2018 10:55:46 PM
Subject: RE: Invite to visit the Kalispel

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Kalispel Tribe Natural Resources
PO Box 39, Usk, WA, 99180
(509) 447-7276 (office)

Ex. 6

 (cell)



To: Ken Merrill[kmerrill@kalispeltribe.com]
From: Bray, Dave
Sent: Wed 7/25/2018 10:02:42 PM
Subject: RE: Kalispel Class I Designation

No, he hasn't replied.

Shall I call you on your cellphone?

Dave

From: Ken Merrill [mailto:kmerrill@kalispeltribe.com]
Sent: Wednesday, July 25, 2018 2:47 PM
To: Bray, Dave <Bray.Dave@epa.gov>
Subject: RE: Kalispel Class I Designation

Hi Dave- Has Deane gotten back to you? If not, can we talk now while I have phone coverage.
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Received: Wednesday, 25 Jul 2018, 12:22PM
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CC: Deane Osterman [dosterman@kalispeltribe.com]
Subject: RE: Kalispel Class I Designation

Hi Ken and Deane,

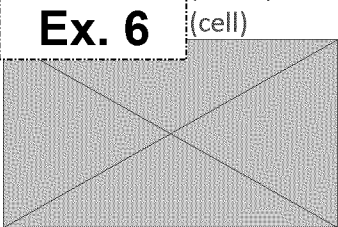
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Sent: Thursday, February 08, 2018 10:19 AM
To: Bray, Dave <Bray.Dave@epa.gov>
Subject: RE: Kalispel Class I Designation

Thanks Dave. I couldn't get a name. --Ken

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Water Resources Program
(509) 447-7276 (office)



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Cc: Zach Welcker
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Office of Air and Waste
EPA Region 10
Seattle, WA
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Cc: Zach Welcker <ZWelcker@kalispeltribe.com>

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Manager - Water Resources ProgramH
Kalispel Tribe Natural Resources
PO Box 39, Usk, WA, 99180
(509) 447-7276 (office)

Ex. 6 (cell)



To: Brozusky, Sandra[Brozusky.Sandra@epa.gov]
From: Ken Merrill
Sent: Tue 11/20/2018 4:25:22 PM
Subject: RE: Invite to visit the Kalispel

Hi Sandra- What do think your itinerary will be on December 6th? We can plan something around that an if it works out, we can give a tour of the Camas Center for Wellness and have lunch. --Ken

Ken Merrill
Water Resources Program
(509) 447-7276 (office)

Ex. 6 (cell)



From: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Sent: Monday, November 19, 2018 5:20 PM
To: Bray, Dave <Bray.Dave@epa.gov>; Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Invite to visit the Kalispel

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Cc: Bray, Dave <Bray.Dave@epa.gov>
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Hi Sandra- We thought it might be good if EPA folks could come to meet with us when you are over here for the Public Hearing and see what the Kalispel home looks like. Hopefully there is a chance you could fit it into your schedule? --Ken

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Kalispel Tribe Natural Resources
PO Box 39, Usk, WA, 99180
(509) 447-7276 (office)

Ex. 6 (cell)



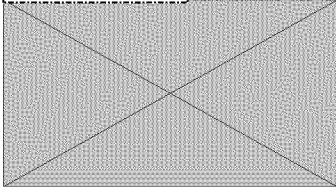
To: Brozusky, Sandra[Brozusky.Sandra@epa.gov]
Cc: Zach Welcker[ZWelcker@kalispeltribe.com]
From: Ken Merrill
Sent: Mon 10/15/2018 8:04:46 PM
Subject: FW: Confirmation of Kalispel Reservation Boundary
[ATT00001.txt](#)
[doc00070720181015113006.pdf](#)
[March 23 1914 PresidentialExecutiveOrder Kalsipel Res.pdf](#)

Sandra- From the analysis below it appears that the description of the original reservation boundary contained in the attached Executive Order is the correct version.

Regards --Ken

Ken Merrill
Water Resources Program
(509) 447-7276 (office)

Ex. 6 (cell)



From: Jim LeMieux
Sent: Monday, October 15, 2018 11:35 AM
To: Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Confirmation of Kalispel Reservation Boundary

Based on the PDF document you sent me [March 23 1914 PresidentialExecutiveOrder Kalsipel Res] (attached), I plotted the parcel locations described within on the original General Land Office survey document (also attached highlighted in yellow). With the best of my ability, I have ascertained that the aforementioned description comports with the surveyed Kalispel reservation.

-Jim

-----Original Message-----

From: Brozusky, Sandra [Brozusky.Sandra@epa.gov]
Received: Thursday, 11 Oct 2018, 4:32PM
To: Ken Merrill [kmerrill@kalispeltribe.com]
Subject: Confirmation of Kalispel Reservation Boundary

Hi Ken,

We're working on finalizing the Notice of Proposed Rulemaking for Kalispel's request for PSD redesignation. In that work, we found two versions of the executive order that created the boundaries of the Kalispel Reservation. One version (attached in the .jpg form) lists Township 34 North in the first section. The second version (attached in .pdf form) lists Township 33 North in the first section. Can you please confirm which township is correct?

We want to make sure this is correct, as getting it wrong could have significant consequences.

If you could be so kind as to reply by Monday morning, if not earlier, I would greatly appreciate it as we're trying to proceed expeditiously.

Feel free to give me a call if easier. I'll be in the office tomorrow all day.

Sandra Brozusky
Tribal Air Team Lead

ED_002139A_00001559-00001

Tribal Programs, Diesel, and Indoor Air Unit
Office of Air and Waste
U.S. EPA Region 10
1200 Sixth Avenue, Suite 155, AWT-150
Seattle, WA 98101-3140

Office: 206.553.5317

To: Brozusky, Sandra [Brozusky.Sandra@epa.gov]
From: Ken Merrill
Sent: Mon 10/15/2018 6:01:45 PM
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Sandra- We normally have Friday off. I am having the GIS checking the legal description in the executive order document and should have confirmation to you this morning. --Ken

Ken Merrill
Water Resources Program
(509) 447-7276 (office)

Ex. 6 (cell)



From: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Sent: Friday, October 12, 2018 2:18 PM
To: Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Ken – Just checking in. I know I said Monday, but thought it wouldn't hurt to email. Thanks!

Sandra

From: Ken Merrill [<mailto:kmerrill@kalispeltribe.com>]
Sent: Thursday, October 11, 2018 4:41 PM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Subject: RE: Confirmation of Kalispel Reservation Boundary

The executive order from Woodrow Wilson is the correct description, but will ask for confirmation from our attorney.--Ken

-----Original Message-----

From: Brozusky, Sandra [Brozusky.Sandra@epa.gov]
Received: Thursday, 11 Oct 2018, 4:32PM
To: Ken Merrill [kmerrill@kalispeltribe.com]
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Office of Air and Waste
U.S. EPA Region 10
1200 Sixth Avenue, Suite 155, AWT-150
Seattle, WA 98101-3140

Office: 206.553.5317

To: Brozusky, Sandra[Brozusky.Sandra@epa.gov]
Cc: Zach Welcker[ZWelcker@kalispeltribe.com]
From: Ken Merrill
Sent: Tue 10/16/2018 7:12:33 PM
Subject: RE: Confirmation of Kalispel Reservation Boundary
1914 Executive Order Creating the Kalispel Indian Reservation.jpg2.png

Hi Sandra- Please use this picture of the original Executive Order establishing the original Kalispel Reservation for the official documents and remove the erroneous copy from the record. Yes you can also use the map. --Ken

Ken Merrill
Water Resources Program
(509) 447-7276 (office)

Ex. 6 (cell)



From: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Sent: Tuesday, October 16, 2018 8:10 AM
To: Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Ken – Just a follow-up email from our conversation. If needed, please see Brett's question below. Thank you.

Sandra

From: Dugan, Brett
Sent: Tuesday, October 16, 2018 7:39 AM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Sandra, Thanks for forwarding. It might be helpful to include the provided map in the Docket. Can you confirm with Ken that the Map depicts the area the Tribe wishes to redesignate and they don't have objections to EPA including the map in the docket?

Thanks,

Brett

Brett S. Dugan
Office of Regional Counsel
United States Environmental Protection Agency, Region 10
Mail Stop: ORC-113
P: (206) 553-8562
F: (206) 553-1762
Dugan.Brett@epa.gov

This email may contain confidential communications for internal deliberations only; attorney-client privilege, attorney work product and/or enforcement privilege; do not distribute outside EPA or DOJ

From: Brozusky, Sandra

ED_002139A_00001604-00001

Sent: Tuesday, October 16, 2018 7:34 AM
To: Dugan, Brett <Dugan.Brett@epa.gov>
Subject: FW: Confirmation of Kalispel Reservation Boundary

Hi Brett – The response from Kalispel. Looks like Township 33 North is the correct version.

Sandra

From: Ken Merrill [<mailto:kmerrill@kalispeltribe.com>]
Sent: Monday, October 15, 2018 1:05 PM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Cc: Zach Welcker <ZWelcker@kalispeltribe.com>
Subject: FW: Confirmation of Kalispel Reservation Boundary

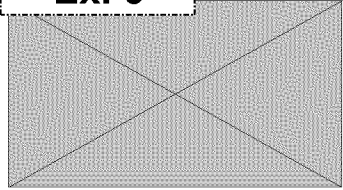
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Water Resources Program
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Ex. 6

(cell)



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-Jim

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Office of Air and Waste
U.S. EPA Region 10
1200 Sixth Avenue, Suite 155, AWT-150
Seattle, WA 98101-3140

Office: 206.553.5317

To: Ken Merrill[kmerrill@kalispeltribe.com]
From: Brozusky, Sandra
Sent: Tue 10/16/2018 3:09:48 PM
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Ken – Just a follow-up email from our conversation. If needed, please see Brett’s question below. Thank you.

Sandra

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Sent: Tuesday, October 16, 2018 7:39 AM
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To: Dugan, Brett <Dugan.Brett@epa.gov>
Subject: FW: Confirmation of Kalispel Reservation Boundary

Hi Brett – The response from Kalispel. Looks like Township 33 North is the correct version.

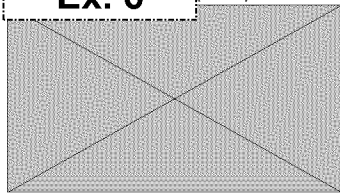
Sandra

From: Ken Merrill [<mailto:kmerrill@kalispeltribe.com>]
Sent: Monday, October 15, 2018 1:05 PM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Cc: Zach Welcker <ZWelcker@kalispeltribe.com>
Subject: FW: Confirmation of Kalispel Reservation Boundary

Sandra- From the analysis below it appears that the description of the original reservation boundary contained in the attached Executive Order is the correct version.

Regards --Ken

Ken Merrill
Water Resources Program



From: Jim LeMieux

Sent: Monday, October 15, 2018 11:35 AM

To: Ken Merrill <kmerrill@kalispeltribe.com>

Subject: RE: Confirmation of Kalispel Reservation Boundary

Based on the PDF document you sent me [March 23 1914 PresidentialExecutiveOrder Kalsipel Res] (attached), I plotted the parcel locations described within on the original General Land Office survey document (also attached highlighted in yellow). With the best of my ability, I have ascertained that the aforementioned description comports with the surveyed Kalispel reservation.

-Jim

-----Original Message-----

From: Brozusky, Sandra [Brozusky.Sandra@epa.gov]

Received: Thursday, 11 Oct 2018, 4:32PM

To: Ken Merrill [kmerrill@kalispeltribe.com]

Subject: Confirmation of Kalispel Reservation Boundary

Hi Ken,

We're working on finalizing the Notice of Proposed Rulemaking for Kalispel's request for PSD redesignation. In that work, we found two versions of the executive order that created the boundaries of the Kalispel Reservation. One version (attached in the .jpg form) lists Township 34 North in the first section. The second version (attached in .pdf form) lists Township 33 North in the first section. Can you please confirm which township is correct?

We want to make sure this is correct, as getting it wrong could have significant consequences.

If you could be so kind as to reply by Monday morning, if not earlier, I would greatly appreciate it as we're trying to proceed expeditiously.

Feel free to give me a call if easier. I'll be in the office tomorrow all day.

Sandra Brozusky

Tribal Air Team Lead

Tribal Programs, Diesel, and Indoor Air Unit

Office of Air and Waste

U.S. EPA Region 10

1200 Sixth Avenue, Suite 155, AWT-150

Seattle, WA 98101-3140

Office: 206.553.5317

To: Ken Merrill[kmerrill@kalispeltribe.com]
Cc: Zach Welcker[ZWelcker@kalispeltribe.com]
From: Brozusky, Sandra
Sent: Tue 10/16/2018 2:34:09 PM
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Ken,

Thank you!

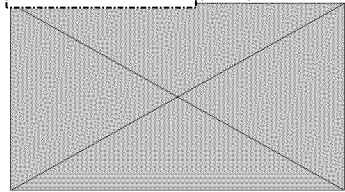
Sandra

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Cc: Zach Welcker <ZWelcker@kalispeltribe.com>
Subject: FW: Confirmation of Kalispel Reservation Boundary

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Regards --Ken

Ken Merrill
Water Resources Program
(509) 447-7276 (office)
Ex. 6 (cell)



From: Jim LeMieux
Sent: Monday, October 15, 2018 11:35 AM
To: Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Confirmation of Kalispel Reservation Boundary

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From: Brozusky, Sandra [Brozusky.Sandra@epa.gov]
Received: Thursday, 11 Oct 2018, 4:32PM
To: Ken Merrill [kmerrill@kalispeltribe.com]
Subject: Confirmation of Kalispel Reservation Boundary

Hi Ken,

We're working on finalizing the Notice of Proposed Rulemaking for Kalispel's request for PSD redesignation. In that work, we found two versions of the executive order that created the boundaries of the Kalispel Reservation. One version (attached in the .jpg form) lists Township 34 North in the first section. The second version (attached in .pdf form) lists Township 33 North in the first section. Can you please confirm which township is correct?

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Tribal Programs, Diesel, and Indoor Air Unit
Office of Air and Waste
U.S. EPA Region 10
1200 Sixth Avenue, Suite 155, AWT-150
Seattle, WA 98101-3140

Office: 206.553.5317

To: Ken Merrill[kmerrill@kalispeltribe.com]
From: Brozusky, Sandra
Sent: Tue 11/6/2018 5:05:20 PM
Subject: RE: FR Newspaper Notice
Kalispel Tribe Redesignation Newspaper Notice.pdf

No problem. Here you go.

Sandra

From: Ken Merrill <kmerrill@kalispeltribe.com>
Sent: Tuesday, November 6, 2018 8:52 AM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Subject: RE: FR Newspaper Notice

Hi Sandra- Could you please have the name of the file changed and resend to prevent more confusion between the Class 1 and the Smelter permit. I want to forward it on, but not with the file title the way it reads now.

Thanks --Ken

Ken Merrill
Water Resources Program
(509) 447-7276 (office)

Ex. 6 (cell)



From: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Sent: Tuesday, November 06, 2018 8:48 AM
To: Ken Merrill <kmerrill@kalispeltribe.com>
Subject: FR Newspaper Notice

Hi Ken,

Please ignore the title of the file but attached is the newspaper notice we're sending to the Newport Miner and Bonner County Daily Bee.

Please distribute through your channels. Thanks!

Sandra

To: Ken Merrill[kmerrill@kalispeltribe.com]
Cc: Zach Welcker[ZWelcker@kalispeltribe.com]
From: Brozusky, Sandra
Sent: Wed 10/17/2018 3:06:35 PM
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Ken,

Thank you. The Executive Order provides the exact boundaries to the area the Kalispel Tribe wishes to redesignate – so making sure the boundaries are correct is an important step. By including the map, this helps verify the redesignated area and we want to make sure the two match each other. Thank you for also having the Tribe's GIS contact map out the boundaries.

Sandra

From: Ken Merrill [mailto:kmerrill@kalispeltribe.com]
Sent: Tuesday, October 16, 2018 12:13 PM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Cc: Zach Welcker <ZWelcker@kalispeltribe.com>
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Sandra- Please use this picture of the original Executive Order establishing the original Kalispel Reservation for the official documents and remove the erroneous copy from the record. Yes you can also use the map. --Ken

Ken Merrill
Water Resources Program
(509) 447-7276 (office)

Ex. 6 (cell)



From: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Sent: Tuesday, October 16, 2018 8:10 AM
To: Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Ken – Just a follow-up email from our conversation. If needed, please see Brett's question below. Thank you.

Sandra

From: Dugan, Brett
Sent: Tuesday, October 16, 2018 7:39 AM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Sandra, Thanks for forwarding. It might be helpful to include the provided map in the Docket. Can you confirm with Ken that the Map depicts the area the Tribe wishes to redesignate and they don't have objections to EPA including the map in the docket?

Thanks,

Brett

Brett S. Dugan
Office of Regional Counsel
United States Environmental Protection Agency, Region 10
Mail Stop: ORC-113
P: (206) 553-8562
F: (206) 553-1762
Dugan.Brett@epa.gov

This email may contain confidential communications for internal deliberations only; attorney-client privilege, attorney work product and/or enforcement privilege; do not distribute outside EPA or DOJ

From: Brozusky, Sandra
Sent: Tuesday, October 16, 2018 7:34 AM
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Subject: FW: Confirmation of Kalispel Reservation Boundary

Hi Brett – The response from Kalispel. Looks like Township 33 North is the correct version.

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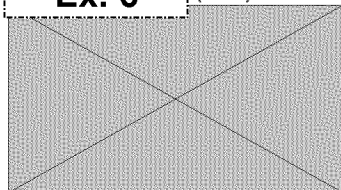
From: Ken Merrill [<mailto:kmerrill@kalispeltribe.com>]
Sent: Monday, October 15, 2018 1:05 PM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Cc: Zach Welcker <ZWelcker@kalispeltribe.com>
Subject: FW: Confirmation of Kalispel Reservation Boundary

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Water Resources Program
(509) 447-7276 (office)
(cell)

Ex. 6



From: Jim LeMieux
Sent: Monday, October 15, 2018 11:35 AM
To: Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Confirmation of Kalispel Reservation Boundary

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-Jim

-----Original Message-----

From: Brozusky, Sandra [Brozusky.Sandra@epa.gov]

ED_002139A_00001754-00002

Received: Thursday, 11 Oct 2018, 4:32PM
To: Ken Merrill [kmerrill@kalispeltribe.com]
Subject: Confirmation of Kalispel Reservation Boundary

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1200 Sixth Avenue, Suite 155, AWT-150
Seattle, WA 98101-3140

Office: 206.553.5317

To: Ken Merrill[kmerrill@kalispeltribe.com]
From: Brozusky, Sandra
Sent: Mon 10/15/2018 6:05:11 PM
Subject: RE: Confirmation of Kalispel Reservation Boundary

Thank you!

From: Ken Merrill [mailto:kmerrill@kalispeltribe.com]
Sent: Monday, October 15, 2018 11:02 AM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Sandra- We normally have Friday off. I am having the GIS checking the legal description in the executive order document and should have confirmation to you this morning. --Ken

Ken Merrill
Water Resources Program
(509) 447-7276 (office)

Ex. 6 (cell)



From: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Sent: Friday, October 12, 2018 2:18 PM
To: Ken Merrill <kmerrill@kalispeltribe.com>
Subject: RE: Confirmation of Kalispel Reservation Boundary

Hi Ken – Just checking in. I know I said Monday, but thought it wouldn't hurt to email. Thanks!

Sandra

From: Ken Merrill [mailto:kmerrill@kalispeltribe.com]
Sent: Thursday, October 11, 2018 4:41 PM
To: Brozusky, Sandra <Brozusky.Sandra@epa.gov>
Subject: RE: Confirmation of Kalispel Reservation Boundary

The executive order from Woodrow Wilson is the correct description, but will ask for confirmation from our attorney.--Ken

-----Original Message-----

From: Brozusky, Sandra [Brozusky.Sandra@epa.gov]
Received: Thursday, 11 Oct 2018, 4:32PM
To: Ken Merrill [kmerrill@kalispeltribe.com]
Subject: Confirmation of Kalispel Reservation Boundary

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